

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0224

SENATE BILL NO. 57

Introduced by: The Committee on Transportation at the request of the Department of
Transportation

1 FOR AN ACT ENTITLED, An Act to reduce the legal blood alcohol limits for motor vehicle
2 drivers under twenty-one years of age.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-23-1 be amended to read as follows:

5 32-23-1. ~~A~~ No person may ~~not~~ drive or be in actual physical control of any vehicle while:

6 (1) There is 0.10 percent or more by weight of alcohol in ~~his~~ the person's blood as shown
7 by chemical analysis of ~~his~~ the person's breath, blood, or other bodily substance;

8 (2) Under the influence of an alcoholic beverage;

9 (3) Under the influence of marijuana or any controlled drug or substance to a degree
10 which renders ~~him~~ the person incapable of safely driving; ~~or~~

11 (4) Under the combined influence of an alcoholic beverage and marijuana or any
12 controlled drug or substance to a degree which renders ~~him~~ the person incapable of
13 safely driving; or

14 (5) Being under the age of twenty-one years, there is 0.02 percent or more by weight of
15 alcohol in the person's blood as shown by chemical analysis of the person's breath,

1 blood, or other bodily substance.

2 Section 2. That § 32-23-7 be amended to read as follows:

3 32-23-7. In any criminal prosecution for a violation of § 32-23-1 relating to driving a vehicle
4 while under the influence of intoxicating liquor, or a violation of § 22-16-41, the amount of
5 alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the
6 defendant's blood, breath, or other bodily substance shall give rise to the following presumptions:

7 (1) If there was at that time five hundredths percent or less by weight of alcohol in the
8 defendant's blood, it shall be presumed that the defendant was not under the influence
9 of intoxicating liquor;

10 (2) If there was at that time in excess of five hundredths percent but less than ten
11 hundredths percent by weight of alcohol in the defendant's blood, such fact ~~shall~~ does
12 not give rise to any presumption that the defendant was or was not under the
13 influence of intoxicating liquor, but such fact may be considered with other competent
14 evidence in determining the guilt or innocence of the defendant;

15 (3) If there was at that time ten hundredths percent or more by weight of alcohol in the
16 defendant's blood, it shall be presumed that the defendant was under the influence of
17 intoxicating liquor;

18 (4) If the defendant is under twenty-one years of age and there was at that time two
19 hundredths percent or more by weight of alcohol in the defendant's blood, it shall be
20 presumed that the defendant was under the influence of intoxicating liquor.

21 Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 1.0
22 cubic centimeters of whole blood or 2100 cubic centimeters of deep lung breath.